



State of Delaware
Commission on Forensic Science

Minutes - 11/6/17
10:00 am – 12:00 pm

Mary Ann Coverdale Center @ The Stockley Center Campus
26351 Patriots Way
Georgetown, DE 19947

1. Welcome, Call to Order, and Introductions

- The meeting was called to order by Chair, Chief R.L. Hughes and he welcomed all to this meeting in Sussex County. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Major Daniel Meadows	Delaware State Troopers Association
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	Christiana Care
Krystal Hans	Assistant Professor - Delaware State University

Non-voting Attendees

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Holly Donovan	DFS - Forensic Investigator
John R. Evans	DFS - Director
Johna Esposito	DFS - Quality Assurance Manager
John Ingle	Retired Medicolegal Investigator
Isabella Kaplan	DTI - Customer Engagement Specialist
Christopher M. Klein	DSHS - Deputy Principal Assistant
Patty Tanner	DFS - Office Manager, Georgetown
Rebecca Walker	DFS - Chief Operating Officer

Absent Voting Commission Members

Senator Robert Marshall	Delaware State Senate
Representative John Mitchell	Delaware House of Representatives
Secretary Kara Walker	Department of Health & Social Services

2. Approval of the Minutes

- Secretary Coupe made a motion to approve; Major Meadows seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of September 11, 2017 meeting.

3. DFS Director's Report

- **Introduction:**

- Director Evans thanked everyone for making the trip to Georgetown this morning. He said the DFS facility here on the Stockley Center Campus has been often talked about but very few of us have actually visited. He said today would be a good opportunity for a tour and to see firsthand what the facility has to offer in terms of capacity and functionality, as well as the logistics involved to get here.
- Being sensitive to attendees' travel time and in an effort to allow ample time for a tour of the DFS building, Director Evans said he will try to be brief, but will entertain any specific questions if they are not addressed in this report.

- **Staffing:**

- DFS is currently experiencing a critical staffing shortage in the Medical Examiner Unit. Effective October 31st, Dr. Lyndsey Emery tendered her resignation and is taking an opportunity in the Philadelphia Office of the Medical Examiner.
 - At the time of her exit interview, Dr. Emery cited some of the reasons for her resignation to involve salary, the upcoming morgue renovation project and the need to commute here to Georgetown to conduct autopsies. Dr. Emery's resignation, coupled with Dr. Perlman's retirement in July, and the still open casual/seasonal position, has caused the Unit to be currently working at half of its full complement.
 - Of greatest concern is DFS' ability to continue to meet the demands of the Unit in terms of the number of autopsies being performed, as well as our ability to maintain DFS accreditation with NAME (National Association of Medical Examiners) as it relates to the number of autopsies performed per doctor per year.
 - Director Evans thanked Secretary Coupe for his support in working with members from his office, as well as OMB, to discuss the criticality of reviewing the current salary offered by the State to a Forensic Pathologist.
 - To that end, OMB "broadened" the salary range on the job posting to reflect the full range from min to max as opposed to from min to mid. This hopefully resulted in attracting more candidates from the pool.
 - As of this past Thursday (11/2/17), DFS is pleased to report that two applicants have accepted the State's offer to join our team and are currently in background and in the process of obtaining their Delaware Medical licenses.

- Dr. John Krolkowski is from the Alabama Medical Examiner's Office with over 20 years of experience.
 - Dr. Jennifer Swartz comes to us from the Bergen County New Jersey Medical Examiner's Office and she has 17 years of experience as a pathologist.
 - DFS is very fortunate to be bringing these two experienced pathologists here and DFS looks forward to their arrivals. Director Evans thanked Secretary Coupe's team for making this selection process a priority and for working with OMB to make our offers competitive.
 - Additionally, DFS is working with a potential candidate to bring on as a part-time pathologist to assist with autopsies in Georgetown and/or on the weekends.
- Since our last meeting, a Forensic Evidence Specialist, who had accepted our offer for employment and had completed the background phase, decided to stay with current employer. As a result, the position was re-posted and interviews occurred on October 30th. A conditional offer has been accepted by an applicant, who is now in background.
 - A full-time Forensic Investigator joined the DFS team on October 5th and comes to us with related experience from the Delaware County PA Coroner's Office and has already completed training.
 - In addition, DFS recently extended an offer to a casual seasonal investigator for the Wilmington Office and that person is currently in background.
 - On October 30th, a casual/seasonal lab maintenance technician joined DFS. This position will help fill the gap in maintenance needs which exists between what falls under the purview of Facilities Management and under the maintenance agreement with Specialty Underwriters.
 - Two Analytical Chemist I positions in the Forensic Chemistry Unit were posted on the website on October 26th and close on November 8th. Once these two positions are filled, the FCU will be at full complement. Chief Hughes asked what will be that total number; Director Evans replied, the total FCU complement would be 13 bench chemists plus 2 managers.
- **Forensic Chemistry Unit:**
 - As stated at the last meeting, DFS began to accept drug evidence from the Wilmington Police Department on September 11th. To date, that process has been running smoothly.
 - DFS proudly reports that the five most recently hired Analytical Chemists have all successfully completed their verbal and moot court competency tests and are now accepting their own casework.

- In keeping with the projected timeline, DFS plans to accept drug evidence from all LEAs in the State, except the New Castle County PD, beginning on Monday, November 13th. This will greatly reduce the costs currently borne by the state for outsourcing. Chief Hughes questioned the neutrality of DFS receiving and storing this evidence. Director Evans said DFS will not be storing any evidence; once it is tested, it will be returned to law enforcement and new evidence will not be accepted until previously submitted evidence is picked up.
- DFS is still on target to begin accepting drug evidence from the New Castle County PD in January 2018, at which point will be independently capable of accommodating the forensic drug testing needs for the entire state.
- **DNA Unit:**
 - There were a total of approximately 14 CODIS hits or matches since our last meeting. Four of those hits were as a result of the Sexual Assault Kit Initiative (SAKI) and the hits were both at the State and National level.
 - As of October 10th, the DNA Unit has already surpassed the number of crime scene cases examined in all of 2016, but continues to keep the turnaround times at an acceptable level (average of 48 days from submission to completion).
 - The FY'17 Federal DNA Case Reduction Grant has been approved for our DNA Unit in the amount of \$320,000. These monies will be used to support instruments, supplies, training, etc., to help ensure that DFS minimize a backlogged case load in the Unit.
- **Toxicology Unit:**
 - Chemists in the Tox Unit will be attending the OHS (Office of Highway Safety) conference this week in Dover. This conference will help give the chemists a better understanding of what LEA's (Law Enforcement Agencies) do in the field and how their role as chemists fit into the overall process. It will also provide the chemists an opportunity to network with their LEA, OHS and DOJ partners.
 - The Tox Unit continues to work on the expansion project to allow our instruments to test for a larger amphetamine panel and is also working with the Office of Emergency Services Preparedness Section through a grant to allow for the testing of fentanyl and fentanyl derivatives, as well as the ability to data mine more effectively and efficiently.
- **Medical Examiner Unit:**
 - As of the end of September, there are 220 confirmed deaths certified as accidental drug deaths, which is up from 204 for the same time period last year.
 - Several of the Forensic Investigators attended the Annual Delaware State Police Homicide Conference in October, where they had the opportunity to listen to nationally recognized experts in the field of medicolegal death investigation, as well as network with our partners from law enforcement and the DOJ.

- As of October 1st, the M.E. module of FLIMS went live and the Unit is working out any technical issues at this time. Once that process has been completed, phase IV of the project will be the body tagging component.

- **Morgue Renovation:**

- The pre-bid meeting was held last week, not only for the morgue renovation project, but for the emergency generator replacement as well. Both projects will be occurring at the same time.
- The current DFS generator has failed and due to its age, it is not worth repairing again so a new generator will take its place. In the meantime, DFS has been relying on a portable generator in the event of a power outage. The new generator will be larger in capacity and able to provide emergency power to the entire morgue area, as well as refrigerated evidence storage and other identified critical areas in the building.
- In speaking with the Project Manager from Facilities, bids must be received by contractors in mid-November and the project start date is now expected to begin in mid-January.
- DFS is working with the New Castle County Government to use one of their available buildings to house the temporary storage of decedents during the morgue shut down. This will allow us to store decedents immediately before and after time of autopsy before they are released to a funeral home.
- This is going to be a large scale project which will have significant impact on not only the M.E.'s operations, but on everyone in the building. Director Evans said he is relying on the patience, flexibility and understanding of the DFS team and has asked them not to lose sight of the end result, which will be a state-of-the-art autopsy suite.

- **Other:**

- In compliance with the International Organization of Standardization (ISO) standard, Johna Esposito, our Quality Assurance Manager, has completed about 70% of a DFS internal audit. This is an audit to review our compliance with, and conformance to, both ISO standards, as well as our internal policies and procedures. To date, the internal audit team has not discovered any significant deficiencies to cause concern.
- Director Evans said although DAG Axelrod will be giving a report on the meeting of the Strategic Advisory Planning Committee, he can report that a meeting was held with Director Svaby, Facilities Management, on October 5th. This was a preliminary meeting to discuss DFS space needs in general terms, as well as the several options in terms of relocating operations in full or in part. Director Svaby will consider our space and operational needs, while he considers options including existing buildings, new construction or leasing.
- At the end of the meeting today, said Director Evans, this group will travel a short distance on the campus to take a tour of the DFS facility – the Judith Tobin Building. The building was dedicated on 11/9/06 and is named in honor of Dr. Judith Tobin, who

was an Assistant Medical Examiner covering Kent and Sussex Counties for 43 years, retiring at the age of 82. The building is sized at approximately 5,000 square feet and 8 employees staff the building.

- Director Evans then asked if there were any questions/comments concerning his report today.
 - Mr. John Ingle, retired medicolegal investigator, asked how many forensic investigators (FI's) are now at DFS. Director Evans replied a total of 13, counting fulltime and casual/seasonal employees. Mr. Ingle said that when he worked for the state, there were three FI's. He then asked what schedules the FI's follow. Director Evans said their schedules include day and evening shifts, and then on-call overnight and weekend hours. Mr. Ingle asked if these shifts were 8-10-12 hours. Director Evans replied that FI's normally work 7.5 hour shifts. Mr. Ingle asked if an FI follows a case all the way through or does it just get handed off to the next shift. Ideally, said Director Evans, the FI would follow a case all the way through – from retrieving the body, to giving the doctors the information at time of autopsy; and once manner and cause is determined, this information would go the FI and the FI would share it with the point of contact for decedent's family.
 - Mr. Ingle asked if there is going to be a fulltime pathologist assigned to the Georgetown office. He has heard from people – families and funeral homes - in the community that they do not feel they are being served properly because if the decedent goes to New Castle County, there is a big delay in hand-off and miscommunications occur. Chief Hughes acknowledged Mr. Ingle's concerns. He said the subject has been discussed in the past and Director Evans is working through his support system to address this need.
 - Mr. Ingle then asked if DFS is providing clergy or counseling to the family. Director Evans said DFS looks in terms of providing those types of counseling services to decedent's family to be under the purview of the LEA and Victim Services dealing with that particular death. Director Evans noted that what DFS has been looking at recently is dealing with the emotional welfare of our people. The FI's, morgue techs and the doctors experience death every day and the accumulative effect of that is a concern. In addressing this, DFS has started regularly scheduled access to counseling and coping skills via CISM (Critical Incident Stress Management) team debriefings with the employees of the Medical Examiner Unit. Additionally, EAP services are available, as needed, to everyone.
 - Mr. Ingle asked about the plans for Wilmington morgue as he thinks it has outlived its usefulness after 45 years. Director Evans said it is the responsibility of DFS to provide people with a safe, effective work environment and is spending a lot money to bring the aged morgue facility up to date. As stated earlier, all the work that will be done will bring about a state-of-the-art autopsy suite. Mr. Ingle said all of the upgrades won't change the size of the facility's footprint and asked if DFS would consider moving outside this city to provide a larger facility, like perhaps the grounds of HCl in Smyrna. He thinks there are centrally located state-owned facilities that could be used to better serve all the citizens of Delaware. Director Evans said the Commission has a subcommittee, the Strategic Planning Advisory Committee, specifically looking into the feasibility of moving this operation.

4. Standards & Certifications Advisory Committee

- Chief Hughes announced the new chair for the Standards & Certifications Advisory committee, Johna Esposito, DFS Quality Manager. Director Evans added he believes she is a good fit on this committee because as Quality Manager, she is completely in touch with all of the DFS accreditations/certifications across all units and she meets regularly with management. He thanked Johna for stepping up and accepting the chair position. Chief Hughes asked if the ISO audit currently underway is her first one. Ms. Esposito said, no, she was involved in the audit when DFS switched over to ASCLD. Chief Hughes asked if this audit process has a mechanism in place to follow throughout the year so that it doesn't become a last minute thing. Ms. Esposito said the current audit is scheduled over a six week period and that some changes have been made to the process. DFS now has an audit team and they will learn over time if more changes are needed and they will be made when necessary.
- Chief Hughes asked who currently sits on the SAC committee. As to the membership of this committee, DAG Morris suggested Ms. Esposito refer to the last SAC's minutes and reach out to those people and see if they would still like to serve with her. Chief Hughes said the committee does have a new member coming on board, Dr. Krystal Hans, but that the appointment has not yet been recorded. DAG Morris said that anyone can be a member on a subcommittee.
- Chief Hughes asked Dr. Hans if she would introduce herself to the Commission regarding her background and the work she performs. Dr. Hans said she is a forensic entomologist working with insect evidence from crime scenes – specializing in maggots and flies. She has worked on crime scenes with law enforcement in Ohio, as well as Ontario, Canada, over the last ten years. Dr. Hans moved to Delaware about a year ago as an Assistant Professor at DSU (Delaware State University) and is now Director of the Forensic Biology program at DSU. Chief Hughes welcomed Dr. Hans on behalf of the Commission and said he is sure she will add a lot of valuable insight.

5. Strategic Planning Advisory Committee

- DAG Axelrod reported that the Committee had a meeting and worked through the Committee's existing objectives and thanks to the guidance of his predecessor, Director Evans, they were able to successfully work through them and did end up reprioritizing some of them. DAG Axelrod would like to move one of the objectives, Staff Retention/Pay Parity, over to the SAC as it does not fit within his committee's current lanes. Ms. Esposito said there would be no problem taking this objective as it aligns closely with what they are working on.
- DAG Axelrod said one of its successful achievements was the codifying of the relationship between DFS and DPH, from a health service perspective regarding drug addiction deaths. It was Dr. Walker's excellent work, along with her team, that got us there. The other successful achievement was the formation of an internship program with local academic institutions.

- DAG Axelrod said that there were other objectives they are looking to add; however their first priority is outlining DFS' current space requirements and need for growth. The committee is working on gathering the necessary data to arrive at decisions for options to present down the road; i.e., should it be an entirely new facility or obtain a new facility for some units and maintain this facility for others. We talked about how it would make more sense for Toxicology and the Morgue to stay together; while the DNA and FCU/Arson move out to a separate facility. DAG Axelrod said he believes it would also be more appealing if it is approached in this manner instead of asking for an enormous sum of money for an entirely new facility, keeping in mind DFS just had a large outlay of money to upgrade the morgue. Chief Hughes commented that when he first heard the idea of separating units, he wasn't sure how he felt about it; however, in all reality, it makes a whole lot of sense and worth exploring.
- DAG Axelrod reported that the subject of DNA's budget was also brought up. It is grant-driven (contingent on Federal grants) and if those grants should go away, DNA would be in a bind as 90% of their budget is funded by grants.
- Mr. Ingle asked, based on the size of staff in Toxicology, would it be more cost-effective to send samples out for testing. He thinks that besides saving money on salary and benefits, the testing results would come back faster. DAG Axelrod answered the solution is in-house. A few of us here at this table have dealt directly with outsourcing over the past two years, and it is not a more cost-effective use of taxpayer dollars or a means to get results faster. DAG Axelrod continued that outsourcing should, ideally, be done only as a stop-gap emergency. Director Evans said he thinks DFS has come a long way in a short amount of time. At the time of the Andrews International audit in 2014, there were 95 findings – all have been addressed; technology has been updated with assistance from DTI; the security has been increased; DFS has received ASCLD, NAME, and ABFT certifications and maintains them; and DFS has doubled the complement of chemists in FCU. Director Evans said DFS has come a long way in three years and he is proud of all that has been accomplished and that this forward momentum is ongoing.
- Secretary Coupe thanked Director Evans for his leadership, listening to staff input, and his ability to prioritize and have this work accomplished in such a short period of time. DAG Axelrod said he would also like to take this opportunity to thank Director Evans, as well. He said he has worked closely with him over the past year regarding controlled substances and is fully aware of the herculean effort it has taken, not only on the advocacy side but also the logistics side of it. Chief Hughes said he would also like to mention that law enforcement is very appreciative of Dr. Walker's partnering with the Drug Monitoring Initiative. The information provided regarding drugs and drug deaths is invaluable to us from an operational standpoint. Director Evans said Becky Walker's outreach to all the state and federal programs mines a tremendous amount of data and, in the past, doesn't think anyone did this. Director Evans said COO Walker has been our advocate and conduit to these outside partners. He said he appreciates all the positive comments received today but please know that the men and women in DFS make it easier for him -- together they meet these challenges and together they overcome them.

6. Commission Members Open Discussion

- Ms. Anita Symonds asked that a couple of items be put on the agenda for the 12/11 Commission meeting:
 - review the purpose and goal of this Commission so we are on target for 2018;
 - hold a 10 minute executive session.
- Major Meadows said he was interested in hearing about the vision and plans for wellness at DFS. He said it presents a good opportunity to share information as his division faces similar trauma. He would be interested to know what paths DFS chooses going forward. ODS Schwind said there is a section in Public Health called “Trauma Informed” that could also be a resource.

Adjourn

- Hearing no other questions/concerns, Chief Hughes acknowledged the meeting was adjourned.

Next Meeting Date: Monday, December 11, 2017
DFS – Wilmington, 1st Floor Conference Room
10:00 am – 12:00 am